To: Diana Henrioulle

From: Brian Fuller

Date: September 18, 2018

Subject: **Inspection Report for August 21, 2018, Warrant Inspection of Humboldt County APN: 214-142-008-000, 214-142-009-000 and 214-142-011-000**

File: Cannabis Program Inspections, Humboldt County, August 2018 HCSO Inspection, WDID 1B161040CHUM

Property information

County: Humboldt

Physical address: No physical address

APN: 214-142-008-000, 214-142-009-000 and 214-142-011-000

Owner: California Property Solutions LLC. CO (Jacobsen Young Jonkarl)
PO Box 2344
Redway, CA 95560-2344

Enrollee: Diane Sodosky
1271 Evergreen Road, Box 927
Redway, CA 95560

Size: 45 acres (-008), 80 acres (-009) and 236 acres (-011)

Watershed: Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea (HU/HA/HSA 111.32; Table 2-1, Water Quality Control Plan for the North Coast Region).

Regulatory status with the Regional Water Board

Site Development:

- No record of permitting for site development.

Applicable programs:

- State Water Board's Construction General Stormwater Permit (CGP), for disturbance of more than 1 acre of land in the vicinity of Cultivation Areas B and C.
- Regional Water Board's Clean Water Act section 401 Water Quality Certification Program for culverting a 160-foot length of watercourse at Cultivation Area A and dredge and fill in a wetland in the vicinity of Cultivation Areas B and C

Onsite activities/operations:

- Enrolled as a Tier 2 site under the Regional cannabis order, WDID 1B161040CHUM, through TRC. Diana Sodosky signed the NOI on July 21, 2016.

Applicable programs:

- Regional or statewide cannabis order.
- Waste discharge requirements for discharge of waste to waters of the state.

Inspection information

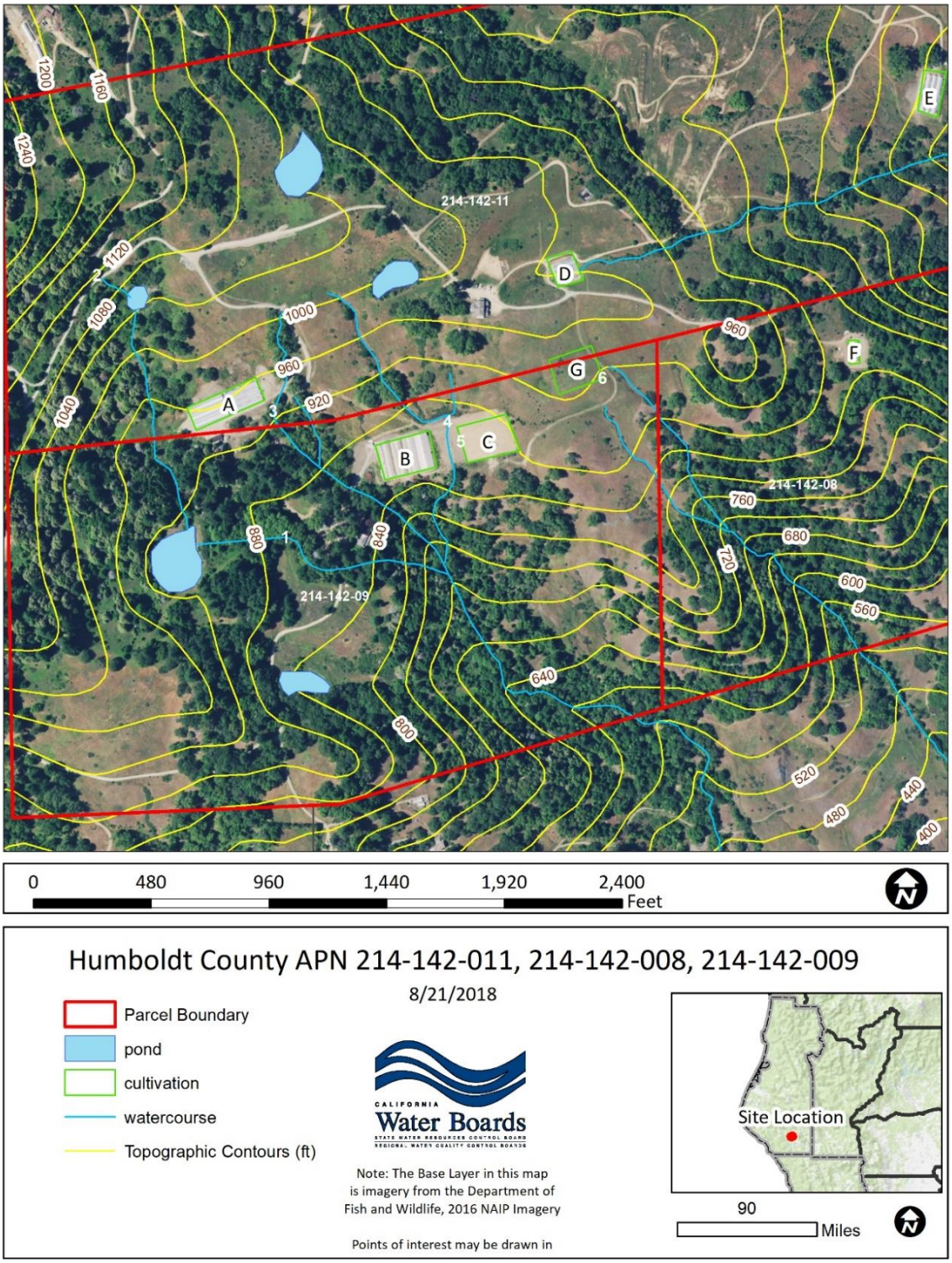
Date/time: August 21, 2018
Type: Humboldt County Sheriff's Office, Drug Enforcement Unit, warrant inspection.

Attendance:

Katherine Hawken, Water Resource Control Engineer, Regional Water Board (Region1)
Brian Fuller, Engineering Geologist, Region 1
David Manthorne, Senior Environmental Scientist Specialist, California Department of Fish and Wildlife (CDFW)
Marlen Richmond, Humboldt Co. Planning & Building Dept. Code Enforcement Unit.

Background/Objective:
North Coast Regional Water Board (Regional Water Board) staff participated with staff of the California Department of Fish and Wildlife (CDFW), Humboldt County Planning & Building Department Code Enforcement Unit, and personnel from various law enforcement agencies in three days of inspections of multiple cannabis cultivation sites in Humboldt County, on August 20 through 22, 2018. Inspection objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

Inspection Map



Inspection Observations

The Inspection Map, above, shows the inspection features identified and discussed below.

We approached the property from the west via a dirt road, entering near the southwest corner of parcel 214-142-009, and we inspected the culverted watercourse at map point *1*, noting the presence of water diversion infrastructure below one of the culvert outlets *(photo 1)*. We then inspected the pond south of this watercourse and another pond west, noting that the pond buttresses on both ponds appeared stable. Google earth imagery suggests these ponds were present as early as 1998. We followed water lines west of the westernmost pond on parcel 214-142-009 to a well, which is located along a dirt road that enters the parcel farther north than the road we had arrived on. We followed this road north and noticed spring-water pooling in a ditch on the westside of the road *(map point 2)* before flowing through a rusted culvert *(photo 2)* and discharging on the hillslope to the east above a pond *(photo 3)*.

We continued following this road, noting that it was well rocked and appropriately shaped to shed stormwater, before arriving at Cultivation Area A. The east side of the graded flat area at this location covers a 160-foot length of a culverted watercourse *(photo 4 - 6)*. We walked southeast towards a group of buildings and then headed northeast past a culverted stream crossing, incising downstream from the culvert. There was no apparent channel upstream from the road.

We continued along the road past the northern side of Cultivation Area B to an area with wetland indicating vegetation north of the road and a graded flat area south of the road *(photo 7)*. Aerial imagery from 2014 *(photo 8)* and earlier suggests there was a wetland in this area prior to construction of the greenhouse *(photo 7 - 12)*. Cultivation-related wastes were well contained inside the greenhouses, however, we observed potting soil stored uncovered outside where stormwater could transport it to surface water *(photo 13)*.

We continued east of Cultivation Area C to Cultivation Area G, and observed a steep, un-rocked road that is susceptible to erosion from stormwater *(photo 14)*. We then continued east to Cultivation Area F, where we did not observe any water quality concerns and then returned west past an unoccupied residence where CDFW Warden Zulliger discovered a copy of the Water Resource Protection Plan (WRPP) for the site, prepared by Timberland Resource Consultants on October 26, 2016. After reviewing the WRPP, we continued west, inspecting three more ponds. The first pond was south of the road, 250 feet west of the unoccupied house; the second was north of the road, 800 feet west of the unoccupied house; and the third is the pond which receives drainage from the failing culvert identified in photos *2* and *3*, 0.25 miles from the unoccupied house. Google Earth imagery suggests these ponds were present as early as 1998. I did not identify water quality concerns with any of these ponds. We then returned to the vehicles walking past the west side of Cultivation Area A.

Map Point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
1	Water diversion	Water diversion infrastructure left in channel.	Waste in a watercourse.	1
2	Old culvert	Rusted undersized culvert discharges spring flow	Rusted culvert may fail, resulting in water eroding the road surface, transporting pollutants towards surface water. Threatened discharge of waste to surface water.	2, 3
3	Culverted watercourse	Cultivation pad constructed over a watercourse. Watercourse is culverted over 160' length.	Dredge/fill in a surface water.	4 - 6
4	Graded wetland	Graded and filled wetland.	Dredge/fill in a surface water.	7 - 12
5	Potting Soils	Bag of potting soil stored uncovered on bare ground within 50 feet of watercourse.	Threatened discharge of waste to receiving waters.	13
6	Road Maintenance	Steep, unrocked road is susceptible to erosion from stormwater.	Threatened discharge of waste to receiving waters.	14

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. **Site maintenance, erosion control and drainage features**: Bare surface on east side of Cultivation Area A *(photo 4)* at map point *3* dips towards a watercourse, enabling stormwater to transport pollutants to receiving waters. The steep, unrocked road accessing Cultivation Area G is susceptible to erosion from stormwater.

2. **Stream crossing maintenance and improvement**: The culvert capturing spring flow at map point 2 is rusted and partially crushed.

3. **Stream and wetland buffers**: Cultivation Area A is within 50 feet of the buried water course, Cultivation Areas B and C appear to be located on top of an area that once sustained a wetland. Aerial imagery suggests Cultivation Area D was constructed on top of a watercourse.

4. **Spoils management**: We observed uncovered potting soil on bare ground within 50 feet of the watercourse between Cultivation Areas B and C.

5. **Water storage and use**: I did not observe water quality issues associated with water storage and use.

6. **Irrigation runoff**: I did not observe water quality issues associated with irrigation runoff.

7. **Fertilizers and soil amendments**: Staff observed fertilizers at locations where spills/leaks could enter or be transported into receiving waters.

8. **Pesticides**: Staff observed pesticides that were and were not approved for use for cannabis cultivation.

9. **Petroleum products and other chemicals**: Staff observed no water quality issues associated with storage/use of petroleum products and other chemicals.

10. **Cultivation-related wastes**: Staff observed no water quality issues associated with storage/disposal of cultivation-related wastes

11. **Refuse and human waste**: Staff observed no water quality issues associated with refuse storage/containment. Staff did not observe or review human waste containment/disposal facilities or systems on the Property.

Recommendations

1) Remove water diversion infrastructure that is not associated with a valid water right.
2) Store and contain potting soils and fertilizers properly to prevent spillage and discharge to receiving waters. As a reference for the goal of this recommendation, review standard condition 7 of Regional Water Board Order No. R1-2015-0023 (Regional cannabis order) and relevant portions of the statewide cannabis order (CANGO).
3) Have a qualified professional identify and delineate all surface waters disturbed and/or buried through site development. This should include a forensic wetland delineation within and adjacent to all roads and cultivation areas.

4) Develop a workplan and schedule to implement measures to ensure that all developed features and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. This work should include restoring any buried /filled watercourses and/or wetlands, providing compensatory mitigation for impacts to function and value of affected surface waters, disposing of associated spoils in a location and manner to prevent transport/delivery into surface waters, and a revegetation and monitoring plan.

The Regional cannabis order can be found at this link:

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

The CANGO (Order WQ 2017-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities) can be found at this link:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

Selected Photos

Photo Taken by: K. Hawken 21 August 2018

photo 1 – Stream diversion located a map point *1*.

Photo Taken by: K. Hawken 21 August 2018

photo 2 – Culvert *(map point 2)* capturing spring flow originating northwest of the road and discharging somewhere on the hillslope *(photo 3)* above the pond to the southeast.

Photo Taken by: K. Hawken 21 August 2018

photo 3 – Approximate area where Culvert *(map point 2, photo 2)* discharges.

Photo Taken by: K. Hawken 21 August 2018

photo 4 – East side of Cultivation Area A *(map point 3)*, red line follows direction of watercourse culverted along a 160-foot length.

Photo Taken by: K. Hawken 21 August 2018

photo 5 – Watercourse upstream from culverted length pictured in photo 4.

Photo Taken by: K. Hawken 21 August 2018

photo 6 – Watercourse downstream from culverted length pictured in photo 4.

Google Earth Imagery Dated 28 May 2014

photo 7 – Wetland apparent in 2014 aerial imagery. Yellow rectangle encompasses same 3-acre area displayed in photo 8 below.

NAIP Imagery from 2016

photo 8– Graded area apparent in 2016 NAIP imagery. Yellow rectangle encompasses same 3-acre area displayed in photo 7 above.

Photo Taken by: B. Fuller 21 August 2018

photo 9 – View looking west showing Cultivation Areas B and C displayed in photos 7 and 8 above.

Photo Taken by: B. Fuller 21 August 2018

photo 10 – View looking south showing Cultivation Areas B to the right of image and Cultivation Area C to the left of image. The foreground of the image shows an area with wetland indicating vegetation; water flows from this area, through a culvert below the road, along a straight channel pictured in photo 11, and into an incising channel *(photo 12)* south of the graded area.

Photo Taken by: B. Fuller 21 August 2018

photo 11 – Straight channel between Cultivation Area B and C.

Photo Taken by: B. Fuller 21 August 2018

photo 12 – Incised channel south of Cultivation Areas B and C.

Photo Taken by: B. Fuller 21 August 2018

photo 13 – Bag of potting soil stored uncovered on bare ground within 50 feet of watercourse between Cultivation Areas B and C.

Photo Taken by: B. Fuller 21 August 2018

photo 14 – View looking north towards the southwest corner of Cultivation Area G. The steep, unrocked road is susceptible to erosion from stormwater.